

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE NATIONAL COLLEGIATE	)	MDL No. 2492
ATHLETIC ASSOCIATION STUDENT-	)	
ATHLETE CONCUSSION INJURY	)	Master Docket No. 1:13-cv-09116
LITIGATION	)	
	)	This Document Relates to All Cases
	)	
	)	Judge John Z. Lee
	)	
	)	Magistrate Judge Geraldine Soat Brown

## **DESIGNATION OF LEAD AND LIAISON COUNSEL FOR THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION**

The National Collegiate Athletic Association (the “NCAA”) hereby moves this Court to appoint Mark S. Mester, a partner at Latham & Watkins LLP (“Latham & Watkins”), as Lead Counsel for the NCAA, and further moves this Court to appoint Johanna M. Spellman, an associate at Latham & Watkins, as Liaison Counsel for the NCAA. In support of this motion, the NCAA states as follows:

1. On September 4, 2013, class counsel in Arrington filed with the Judicial Panel on Multidistrict Litigation (“JPML”) a motion seeking transfer and consolidation of Arrington with other concussion-related actions. See Mot. for Transfer, In re NCAA Student-Athlete Concussion Injury Litig., MDL No. 2492 (JPML Dkt. #1). The motion for transfer and consolidation was granted by the JPML on December 18, 2013, and the JPML’s conditional transfer orders became final on January 2, 2014 and January 7, 2014, respectively. See Finalized Conditional Transfer Order (JPML Dkt. #59); Finalized Conditional Transfer Order (JPML Dkt. #60).

2. On February 5, 2014, this Court issued a case management order to “govern the practice and procedure” in all consolidated cases as well as in “any ‘tag-along actions’ later filed

in, removed to, or transferred to this Court.” Feb. 5, 2014 Case Management Order (Master Dkt. #15) (the “Case Management Order”) at 1.

3. The Case Management Order provided that “Plaintiffs, as a group, and Defendant each should file a designation of liaison counsel by February 24, 2014,” and that “Counsel for Defendant should advise the Court who it prefers to serve in this position.” Feb. 5, 2014 Case Management Order (Master Dkt. #15) (the “Case Management Order”) at 6-7.

4. On February 20, 2014, the Court granted Plaintiffs’ Agreed Motion for Extension of Dates (Master Dkt. #22), extending the deadline by which the parties must file such designations to and until March 26, 2014, and on April 14, 2014, the Court granted Plaintiffs’ Second Agreed Motion for Extension of Dates (Master Dkt. #29), extending the deadline by which the parties must file such designations to and until May 9, 2014. See Minute Entry (Master Dkt. #25); Minute Entry (Master Dkt. #34).

5. Pursuant to the Court’s instruction in its Case Management Order, the NCAA hereby designates Mark S. Mester as Lead Counsel for the NCAA. Mr. Mester is a Partner at Latham & Watkins and has served as counsel of record for the NCAA in Arrington since September 27, 2011. See Appearance of M. Mester (Arrington Dkt. #8). Mr. Mester has likewise served as Lead Counsel in many other class actions as well as in class cases transferred and consolidated by the JPML. See, e.g., Memorandum and Order (Dkt. #65), In re Aurora Dairy Corp. Organic Milk Mktg. and Sales Practices Litig., Case No. 4:08-md-01907-ERW (E.D. Mo. filed April 18, 2008), Ex. A hereto.

6. The NCAA further designates Johanna M. Spellman as Liaison Counsel for the NCAA. Ms. Spellman is an Associate at Latham & Watkins and has also served as counsel of

record for the NCAA since September 27, 2011. See Appearance of J. Spellman (Arrington Dkt. #9).

WHEREFORE, the NCAA respectfully requests that the Court (i) appoint Mark S. Mester as Lead Counsel for the NCAA and (ii) appoint Johanna M. Spellman as Liaison Counsel for the NCAA.

Dated: May 9, 2014

Respectfully submitted,

/s/ Mark S. Mester

One of the Attorneys for Defendant  
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